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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,403	10/28/2003	Tanichi Ando	044499-0182	9219
22428	7590	10/03/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,403

Applicant(s)

ANDO ET AL.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-7 in the reply filed on 09/15/05 is acknowledged. The examiner assumed that claim 8 is cancelled.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/26/03 and 01/25/05 have been considered by the examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Witkowski (US 2005/0090279).**

As to claim 1, Witkowski teaches a wireless operating system, which is used with a portable communication terminal, for wirelessly operating an operated target (figure 10 and paragraph 79, 80), the system comprising:

a transmitting-end device (10b) including transmitting means for allowing operation information required for an operation of the operated target to be transmitted by short distance radio; and

a receiving-end device (10b) including receiving means for receiving the operation information and operating means for operating the operated target in accordance with the operation information received by the receiving means,

the transmitting-end device including communication means capable of performing direct communication with the portable communication terminal by being carried with the portable communication terminal, and operation information generating means for generating the operation information in accordance with portable communication terminal information acquired from the portable communication terminal via the communication means.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Idani (US 2004/0248514).

As to claim 1, Idani teaches a wireless operating system, which is used with a portable communication terminal, for wirelessly operating an operated target (figure 1 and paragraph 9, 10), the system comprising:

a transmitting-end device (10b) including transmitting means for allowing operation information required for an operation of the operated target to be transmitted by short distance radio; and

a receiving-end device (10b) including receiving means for receiving the operation information and operating means for operating the operated target in accordance with the operation information received by the receiving means,

the transmitting-end device including communication means capable of performing direct communication with the portable communication terminal by being

Art Unit: 2683

carried with the portable communication terminal, and operation information generating means for generating the operation information in accordance with portable communication terminal information acquired from the portable communication terminal via the communication means.

Allowable Subject Matter

Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 2, the teaching of prior arts fails to teach the portable communication terminal information is identification information unique to the portable communication terminal, the operation information includes the identification information, the receiving-end device includes storage means for storing the identification information and determination means determining whether the identification information received by the receiving means is identical with the identification information stored in the storage means, and the operating means operate the operated target in accordance with a result determined by the determination means .

Dependent claims 3-7 are allowable for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Croome (US 2005/0101309) teaches method and apparatus for selective configuration based upon expansion card presence.

Art Unit: 2683

B. Beeman et al (US 2005/0059430) teaches identification of SIM based device.

C. Kondou et al (US 2004/0248569) teaches portable terminal having function of detecting other person approach utilizing short distance wireless communication means and storage medium and server that are used for detection.

D. Lee et al (US 2004/0185857) teaches dual mode Bluetooth and wireless device with power conversation figures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'danh', is written over a horizontal line.

September 27, 2005.

DANH CONG LE
PATENT EXAMINER